

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 469

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2108, IDAHO CODE, TO PROVIDE THAT THE OUTFITTERS AND GUIDES LICENSING BOARD SHALL NOT ACCEPT, PROCESS OR APPROVE ANY APPLICATIONS FOR OUTFITTED OR GUIDED TURKEY OR WATERFOWL HUNTING, TO PROVIDE THAT UNLESS LICENSED PRIOR TO A CERTAIN DATE, A PERSON MAY NOT OUTFIT OR GUIDE TURKEY OR WATERFOWL HUNTERS FOR COMPENSATION, TO PROVIDE CIRCUMSTANCES WHEN ANY RULE, ORDER, MEMORANDUM, POLICY, GUIDANCE OR OTHER DOCUMENT ADOPTED BY THE BOARD, OR PORTION THEREOF, IS NULL AND VOID AND SHALL HAVE NO FORCE OR EFFECT AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-2108, Idaho Code, be, and the same is hereby amended to read as follows:

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS --~~TERM~~ -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the boundaries of the operating area in which such activity will be conducted.

2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter(s) by whom the applicant will be employed.

(b) Applications shall be made to and filed with the board and, unless arrangements have been made otherwise with the board, accompanied by proof of eligibility for a bond payable to the person or persons employing the licensee and in a form approved by the board in the sum of ten thousand dollars (\$10,000) for outfitters, to be executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made, and upon an applica-

1     tion submitted by an applicant not holding during the preceding license year  
2     a license of the same kind or embracing the same activity(ies) or area for  
3     which application is made, shall be made not later than the end of the license  
4     year in which the board receives all materials required to be submitted in  
5     order to complete a license application or ninety (90) days from the date the  
6     board receives all such materials, whichever is later.

7     (d) The applicant shall pay license, penalty, amendment and applica-  
8     tion fees to the board as hereinafter provided:

9         1. The license fee shall be paid prior to the issuance of a license.

10        2. The license fee shall be used for the investigation of applicants,  
11        for enforcement of this chapter, and for the administration costs of the  
12        board.

13        3. The license fee for outfitters for the 2005 license year shall be  
14        three hundred dollars (\$300) for online licensing and three hundred  
15        fifty dollars (\$350) for offline licensing; for the 2006 license year  
16        it shall be three hundred twenty-five dollars (\$325) for online li-  
17        censing and three hundred seventy-five dollars (\$375) for offline  
18        licensing; for the 2007 license year it shall be three hundred fifty  
19        dollars (\$350) for online licensing and four hundred dollars (\$400)  
20        for offline licensing; for the 2008 license year it shall be three hun-  
21        dred seventy-five dollars (\$375) for online licensing and four hundred  
22        twenty-five dollars (\$425) for offline licensing; for the 2009 license  
23        year, and for each year thereafter, it shall be four hundred dollars  
24        (\$400) for online licensing and four hundred fifty dollars (\$450) for  
25        offline licensing; the license fee for a designated agent as defined  
26        in section 36-2102(b), Idaho Code, for the 2005 license year shall be  
27        one hundred twenty dollars (\$120) for online licensing and one hundred  
28        forty dollars (\$140) for offline licensing; for the 2006 license year  
29        it shall be one hundred twenty-five dollars (\$125) for online licensing  
30        and one hundred fifty dollars (\$150) for offline licensing; for the 2007  
31        license year it shall be one hundred thirty dollars (\$130) for online  
32        licensing and one hundred sixty dollars (\$160) for offline licensing;  
33        for the 2008 license year, and for each year thereafter, it shall be one  
34        hundred forty dollars (\$140) for online licensing and one hundred sixty  
35        dollars (\$160) for offline licensing; and the license fee for guides for  
36        the 2005 license year shall be ninety-five dollars (\$95.00) for online  
37        licensing and one hundred five dollars (\$105) for offline licensing;  
38        for the 2006 license year it shall be ninety-five dollars (\$95.00) for  
39        online licensing and one hundred ten dollars (\$110) for offline licens-  
40        ing; for the 2007 license year it shall be one hundred dollars (\$100)  
41        for online licensing and one hundred fifteen dollars (\$115) for offline  
42        licensing; for the 2008 license year, and for each year thereafter, it  
43        shall be one hundred five dollars (\$105) for online licensing and one  
44        hundred fifteen dollars (\$115) for offline licensing.

45        4. A penalty fee in the amount of fifty dollars (\$50.00), which shall  
46        increase to one hundred fifty dollars (\$150) beginning January 1, 2005,  
47        may be charged in addition to the regular outfitter's license fee for  
48        any such renewal applicant whose application is not complete by the end  
49        of the outfitter's license year; this does not apply to a new applicant  
50        for an outfitter's license.

1        5. A seventy-five dollar (\$75.00) fee, which shall increase to two  
2        hundred dollars (\$200) beginning January 1, 2005, shall be charged for  
3        every amendment to an outfitter's license other than a minor amendment,  
4        a ten dollar (\$10.00) fee, which shall increase to thirty-five dollars  
5        (\$35.00) beginning January 1, 2005, shall be charged for every minor  
6        amendment to an outfitter's license, and a ten dollar (\$10.00) fee,  
7        which shall increase to twenty dollars (\$20.00) beginning January 1,  
8        2005, shall be charged for every amendment to the license of a desig-  
9        nated agent or guide.

10       6. The following fees shall be established annually by the board and  
11       shall be used for application related expenses: a one-time application  
12       fee for outfitters not to exceed four hundred dollars (\$400); a one-time  
13       application fee for designated agents not to exceed fifty dollars  
14       (\$50.00); and a one-time application fee for guides not to exceed ten  
15       dollars (\$10.00), the maximum of which shall increase to twenty dollars  
16       (\$20.00) beginning January 1, 2005. The board shall establish by rule  
17       a policy to refund unused application fees and shall establish by rule  
18       fees for expedited, exceptional, resubmittal or emergency processing  
19       of license applications, a fee credit for electronic filing of applica-  
20       tions and a fee for the use of credit cards corresponding to the cost to  
21       the agency of processing the card use.

22       (e) The board shall not accept, process or approve any applications for  
23       outfitted or guided turkey or waterfowl hunting. Unless licensed to do so  
24       prior to November 13, 2013, a person may not outfit or guide turkey or water-  
25       fowl hunters for compensation. Any rule, order, memorandum, policy, guid-  
26       ance or other document adopted by the board, or portion thereof, which is  
27       contrary to this subsection is null and void and shall have no force or ef-  
28       fect.